REMARKS

Claims 1-2 and 4-20 were pending in the application. Claims 1, 2, 4, 5, 8, 10-15 and 20 were amended. Claim 1 was amended to clarify the preamble and delete unnecessary language from the claim. Additionally, a recitation regarding the foam material comprising either polysaccharide or polypeptide was added. Claims 2, 4, 5 and 20 were amended to conform to the preamble of claim 1, upon which these claims depend. Claim 8 was amended to conform the language according to the amendments to claim 1. Claims 10-12 were amended to correct the dependencies of these claims after the previous cancellation of claim 3 and to conform the preamble to the claims upon which these claims depend. Claims 13-15 were amended to delete unnecessary language from the claims and include a recitation regarding the foam material comprising either polysaccharide or polypeptide. Claims 16-19 were canceled in view of the amendments to claims 1 and 13-15. No new matter was added. Claims 1-2, 4-15 and 20 are now pending.

The Office Action Summary states that this action is non-final. Page 7 of the Office Action states that this action has been made final. Applicants appreciate the confirmation of the Examiner that the Office Action, in fact, has non-final status.

Rejections under 35 U.S.C. § 112

35 U.S.C. § 112, first paragraph

Claims 1, 2, 4-15 and 20 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly based on a disclosure which is not enabling. Independent claims 1, 13, 14 and 15 have been amended to include the recitation that the foam material comprises either polysaccharide or polypeptide. These amendments are presented without prejudice and are not an acquiescence to the rejection; rather, the amendments were presented in order to expedite prosecution of the claims. In view thereof, this rejection is moot and Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. § 112, second paragraph

Claims 1, 2, 4-15 and 20 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

The first part of this rejection was directed to the claims allegedly merely setting forth physical characteristics rather than specific structure. The claims have been amended without prejudice to recite that the foam material comprises either polysaccharide or polypeptide in order to expedite prosecution of the claims. In view thereof, this part of the rejection is believed to be moot.

The claims further were objected to due to the term "primarily". This term has been deleted from the claims, rendering this objection moot.

The claims further were objected to due to the recitation "the foam material including a continuous three-dimensional network surrounding a gaseous phase dispersed therein" as redundant and inherent. This language has been deleted from the claims, rendering this objection moot.

The Office Action additionally objected to the phrase "the foam material being suitable for use as an absorbent structure" in claims 1 and 13-15. This language has been deleted, rendering this objection moot. Additionally, minor amendments to the claims have been made to make clear the subject matter claimed.

The final objection under 35 U.S.C. § 112, second paragraph, was that newly added claim 20 is allegedly redundant to claim 13. However, claims 13 and 20 have differing scopes. By way of example, claim 20 recites a gel liquid absorption and a capillary liquid absorption. Claim 13 does not include recitations regarding gel liquid absorption or capillary liquid absorption as in claim 20. In view thereof, Applicants respectfully submit that both claims are permissible.

Each of the objections to the claims under 35 U.S.C. § 112, second paragraph has been mooted or properly addressed. In view thereof, Applicants respectfully request that each and every objection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejection under 35 U.S.C. § 102(e)/103(a)

Claims 1-2 and 4-20 were rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Chen et al., U.S. Patent No. 6,261,679. Applicants respectfully traverse this rejection.

The rejected claims are directed to liquid absorbent materials comprising an open-cell polymeric foam material comprising either polysaccharide or polypeptide, the foam material having an absorption rate at wetting of at least 0.4 ml/s for a round

sample having a 50 mm diameter, a liquid distribution capacity at an inclination of 30° of at least 15 g/g, and a liquid storage capacity of at least 9% measured through centrifuge retention capacity, for synthetic urine test liquid.

Chen et al., U.S. Patent No. 6,261,679, is directed to a fibrous material, wherein a foam forming material has been added to the fibrous material to keep the fibers apart and to create an expanded and highly porous fiber structure. The Chen et al. material is defined in one embodiment as a "foam-reinforced fibrous network" wherein the components of the structuring composition or foam play a relatively minor structural role in the final absorbent material, once the fibers have been properly positioned and bound. *Column 1, line 50 – column 2, line 4.* In Chen et al., the fibers form the walls in the cellular structure, thus having an open-cell foam characteristic. *See, Figures 1 and 2.* Chen et al. distinguishes the foam reinforced fiber network structure described therein from fiber-reinforced foam. *Column 1, lines 63-65; column 6, lines 56-62.*

A Declaration Under 37 C.F.R. § 1.132 is submitted herewith setting forth the differences between the invention as defined in the rejected claims and the material described by Chen et al. As discussed therein, the materials as defined in the claims of the present application are substantially different than those disclosed by Chen et al. and have different properties. By way of example, the liquid storage capacity measured through centrifuge retention capacity will be significantly lower in the fiber structure disclosed by Chen et al. since the CRC method mainly measures the so-called "gel liquid", which is liquid that is firmly bound in pores smaller than 3 µm. A fibrous network of the kind shown in Chen et al. will have a considerably lower CRC value than claimed. Thus, the material of Chen et al. is different from the liquid absorbent material defined in the claims of the present application.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As set forth above, Chen et al. does not disclose each and every element as defined in the rejected claims, lacking at least the liquid storage capacity as defined. In view thereof, Applicants respectfully request that the rejection of the claims as anticipated be withdrawn.

Additionally, Chen et al. would not have made the invention as defined in the rejected claims obvious since there is no motivation or suggestion provided to prepare a material with cells or pores small enough to provide the liquid storage capacity as claimed. In view thereof, Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 103(a) be withdrawn.

Applicants believe all matters raised in the above referenced Office Action have been responded to and that the application is now in condition for allowance. Should the Examiner have any questions regarding this Amendment, or regarding the application in general, the Examiner is invited to contact the undersigned at the number listed below in order to expedite prosecution of the application.

Respectfully submitted,

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